



# Notice to Comply

|                 |  |                |  |
|-----------------|--|----------------|--|
| Application No. |  | Applicant(s)   |  |
| 09/698,789      |  | SPENCER ET AL. |  |
| Examiner        |  | Art Unit       |  |
| David H Kruse   |  | 1638           |  |

## NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

### Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216  
 For CRF Submission Help, call (703) 308-4212  
 PatentIn Software Program Support  
     Technical Assistance.....703-287-0200  
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**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**



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**CERTIFICATE OF MAILING  
37 C.F.R. 1.8**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date below.

February 26, 2002

Date

Robert E. Hanson

**ATTN: BOX SEQUENCE**

Commissioner for Patents  
Washington, DC 20231

RE: SN 09/698,789, Entitled "METHOD OF PLANT BREEDING (AS AMENDED)" --  
Michael Spencer, et al.; Client's Ref. No. [38-15(51223)]

Sir:

Enclosed for filing in the above-referenced patent application is:

1. An Amendment and Response to Office Communication Dated February 5, 2002;
2. A Substitute Sequence Listing consisting of 1 page;
3. Substitute computer-readable form (CRF) copy of the Sequence Listing, and a separate paper copy;
4. Statement as Required Under 37 C.F.R. § 1.825(a) and (b) and Statement as Required Under 37 C.F.R. § 1.821(g);
5. Copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures; and
6. A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

Commissioner for Patents  
February 26, 2002  
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Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Assistant Commissioner is authorized to deduct said fees from Fulbright & Jaworski Deposit Account No. 50-1212/10025100/10056.

Respectfully submitted,



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Attorney for Applicants

REH/jmh  
Encl. As noted